IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 18546 of 2004

Between:

B. Venkateswara Reddy, s/o B. Venkata Reddy,
R/o H.No. 40/814-7B, Srinivasa Nagar, Kurnool , A.P.

..... PETITIONER

AND

1. The Assistant Provident Fund Commissioner,

O/o The Regional Provident Fund Commissioner,
EPF Organisation, Barkatpura, Hyderabad.
2. The Regional Provident Fund Commissioner (E&R), EPF

Organisation, Barkatpura, Hyderabad.
3. The Express Publications (Madurai) Limited, Plot No. 2, Dr. No.

6-3-1186, Behind Blue Moon Hotel,
Begumpet, Hyderabad - 500 016.
4. The Presiding Officer, Emplooyees ' Provident Fund Appellate

Tribunal, 7th Floor, Skylark Buildings,
New Delhi - 110 019.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, to declare the Appeal No. 434(1) of 2001 pending before the 4th respondent as not maintainable and consequently set aside the order passed by the 4th respondent on 13-5-2003 in A.T.A. No. 434(1) of 2001.

Counsel for the Petitioner: MR.EDIGA MALLIKARJUNA
Counsel for the Respondents1,2 and4: MR.R.N.REDDY
Counsel for the Respondent No.3: Mr S.Ravindranath

The Court made the following:

ORDER:

Heard both sides. At their request the Writ Petition is taken up for disposal.

The petitioner herein who is an employee of the respondent No3 filed this Writ Petition, inter alia, seeking Writ of Mandamus to declare that the Appeal filed by the respondent No.3 in Appeal No.434(1) of 2001 pending before the respondent No.4, as not maintainable and consequently set aside the order dated 13.05.2003 passed by the respondent No.4.

In this case the petitioner contends that in view of the provisions under Section 26(b) of the Provident Fund Act, no such appeal is maintainable.

The learned counsel for the respondents submitted that an appeal is already pending and a petition with respect to the jurisdiction is pending adjudication before the 4th respondent.

Having considered the submissions made and contentions raised on behalf of either side and on perusal of material on record, it is not necessary to go into the merits of the case. However, in view of the fact that the appeal is pending on the file of 4th respondent, it would suffice, in the interests of justice to direct the respondent for early disposal of the said appeal including on the question of maintainability and also all objections raised by the petitioner.

The Writ Petition is accordingly dismissed directing the 4th respondent to dispose of the petition within a period of two months from the date of receipt of this Order. It shall be open for the petitioner to raise any objections including the maintainability etc and the same may be considered in accordance with law on merits by giving appropriate notice to concerned.

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14-03-2005

kvrm

To

1. The Assistant Provident Fund Commissioner,

O/o The Regional Provident Fund Commissioner,
EPF Organisation, Barkatpura, Hyderabad.
2. The Regional Provident Fund Commissioner (E&R), EPF

Organisation, Barkatpura, Hyderabad.
3. The Presiding Officer, Emplooyees ' Provident Fund Appellate

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